

COURT DECISIONS.

DIGESTED BY W. B. MARTIN
EXCLUSIVELY FOR
VIRGINIAN-PILOT.

Notes of Cases Recently Decided
Which Are of Interest to
Our People.

NEWBERRY V. BANK OF PRINCETON.
Supreme Court of Appeals of Virginia.
July 5, 1900.

WHEN A GARNISHMENT PROCEEDING HAS BEEN INSTITUTED TO SUBJECT MONEY DUE BY A VENDEE, BUT NO JUDGMENT RENDERED, AND ALL THE PARTIES ARE BROUGHT BEFORE THE COURT IN A SUBSEQUENT INEFFECTUAL SUIT TO IMPEACH THE DEED TO THE VENDEE FOR FRAUD, AND VENDEE ADMITS HIS LIABILITY AS STATED IN THE GARNISHMENT PROCEEDING, THE COURT SHOULD ENTER A DECREE FOR THE AMOUNT AND END THE CONTROVERSY.

The court says: The trial court further found, as is evident from its decree, and in that view we concur, that the record does not show that the grantee had actual knowledge of the grantor's unlawful intent. Although the grantee did not have such knowledge, he may have made his purchase under such circumstances as will prevent him from being deemed a bona fide purchaser. If he had knowledge of facts and circumstances which were naturally and justly calculated to excite suspicion in the mind of a person of ordinary care and prudence and which would naturally prompt him to pause and inquire before completing the transaction and such inquiry would have necessarily led to a discovery of the fact with notice of which he is sought to be charged, he will be considered to be affected with such notice, whether he made inquiry or not. But while the fact of notice may be inferred from circumstances as well as proved by direct evidence, yet the proof must be such as to affect the conscience of the purchaser and must be so strong and clear as to fix upon him the imputation of mala fides.

Without discussing in detail the other suspicious circumstances connected with the grantee's purchase, it is sufficient to say that when all the circumstances relied on to show that the grantee was guilty of bad faith in making his purchase without making further inquiry, are considered in the light of all the facts disclosed by the record, and especially of the facts that the grantee paid and bound himself to pay a full price for the property and did not know that the makers of the note upon which his grantor was endorser were insolvent, but thought them fully able to pay their debts, the imputation of bad faith has not been fixed upon the grantee with that degree of strength and clearness which is required in making out a case of fraud.

We are therefore of opinion that the court erred in holding that the grantee was affected by the fraudulent intent of the grantor and decreeing against him on that ground; but as it appears from the record that before the grantee had paid the purchase money bonds made payable to the grantor's wife he had notice of the appellee's claim, and in a garnishment proceeding sued out by the appellee, answered that he still owed said bonds and was willing to pay them to whomsoever the court might order; and it further appearing that no judgment was rendered against him in that case, and that all the parties in interest were before the court, it ought to have entered a decree against the grantee in favor of appellee for the amount of those bonds with interest thereon from the time they became due and payable and thus put an end to the controversy.

This court will reverse the decree complained of so far as it held that the grantee was affected by the fraud of the grantor and decreeing against him on that ground for the amount of the appellee's judgment, and will enter such decree as the trial court ought to have entered with costs to the appellant as the party substantially prevailing. Reversed.

SPANISH WAR VETERANS.

THEIR FIRST REUNION TO BE HELD SOON IN CHATTANOOGA.

Colonel George W. Taylor has received an invitation to attend the first reunion of the Spanish-American War Veterans Association, to be held at Chattanooga, Tenn., from October 8th to the 11th. Colonel Taylor is inspector-general of the association.

The local camp, which has a good-sized membership, is also invited to attend the reunion. Through the organization is new, there are already a large number of camps established, and new ones are being established.

Chattanooga is the headquarters of the association, and for this reason, as well as for historic reasons, it was chosen as the place for the first reunion of the soldiers who enlisted to fight, or who did fight, in the war with Spain. Those who attend the reunion will visit the famous Chickamauga battlefield, the Lookout Mountain battlefield, where the battle above the clouds was fought, and the battlefield of Missionary Ridge, all within a few miles of Chattanooga.

During the Spanish-American war there were camped on the Chickamauga Park grounds over 50,000 volunteers, and many of them will doubtless take advantage of the reunion to go back and see their old camp ground. Only recently the United States Government has purchased Point Lookout Park, on Lookout Mountain, and has marked with iron tablets this historic spot which was the scene of "the battle above the clouds."

At the coming reunion an effort will be made to consolidate the several Spanish-American war veteran organizations.

Summer Excursion Tickets.
Are now on sale at lowest rates to all points via Washington and Baltimore Steamers, and Baltimore and Ohio Railroad, (Royal Blue Line). For detailed information apply to
ARTHUR G. LEWIS, S. P. A.,
Under Atlantic Hotel.

"Newest Discovery" extracts teeth painlessly. N. Y. Dental Rooms only, No. 274, corner Main and Talbot sts. N. E. of monument; established nearly 20 years. Ennes, Dentist. New phone, 1,011.

PEOPLES' FORUM.

NOTE.—The People's Forum being freely open to all parties, classes, persons, views and capabilities, the Virginian-Pilot is responsible for none of the statements nor opinions expressed therein, nor for the style in which they are set forth. The ignorant and uneducated shall be heard here equally with the learned.

Courtland, Southampton Co., Va., August 29th, 1900.
Editor Virginian-Pilot, Norfolk, Va.:

Dear Sir—I read with great pleasure the recent article in your paper advocating the selection of Judge Robert R. Prentiss, of this judicial circuit, as the successor of the late John W. Riley, of the Supreme Court of Appeals of Virginia. Your paper is noted for striking out at the right time and for the right thing, and in this instance you have hit the nail plumb on the head. Our entire people, bench, bar and laity, with one accord, are most heartily in favor of the selection of Judge Prentiss for the position.

I have been practicing in his court for a number of years and know him to measure up fully to every requirement of the position. As a judge he is learned, just, impartial and quick and steady in his work. His life, both as a man and a judge, is pure and above reproach. Politically this section is entitled to a judge on the Supreme Court bench. I have been years and years since we have had a judge from Norfolk, Portsmouth and Newport News, which are admitted to be the great seaports and ship-yards of the South, and which are steadily growing with their wonderful enterprises and the prosperous and go-ahead counties of the Second Congressional District and Tidewater Virginia, furnish much business for the Supreme Court, and no other part of the State has a claim as just and strong to have the vacancy on the Supreme Court filled by one of its citizens as this section has, and when we bring forward a man so eminently fitted for the position as Judge Robert R. Prentiss is, surely the Democratic Legislature of Virginia will not hesitate one moment in electing him.

I feel sure the members of the Legislature from the Second Congressional District and Tidewater are in hearty accord with these views, and both bench and bar occupy a like position and will do all in their power to see him gain the honor. Now, surely our Democratic brethren are not going to continue the policy of always making the true and tried Democrats of this section hewers of wood and drawers of water for the other portions of the State. Let us share the honors as well as bear the burdens with our brothers. Now is the time to call a halt and make a change.

Very respectfully,
WILLIAM SHANDS.

South Norfolk, Va., Aug. 29, 1900.

To the Editor Virginian-Pilot:

In enumerating the industries in Berkley this morning you failed to give South Norfolk credit for seven-eighths of all the industries on this side of the river. South Norfolk is distinct from Berkley as Norfolk is from Portsmouth. Of the five saw mills South Norfolk has three, cotton mills, two fine mills, chemical works (largest in the world), Belt Line, stock company, Norfolk and Western railway, Belt Line station, several box factories, postoffice, etc., etc. Why, Berkley is not in it.

AMUSEMENTS.

FIELD'S MINSTRELS AT THE ACADEMY OF MUSIC TO-NIGHT.

Popular Al Field and his jolly crowd of minstrels will open the local amusement season at the Academy to-night. The company includes Al. G. Field, Arthur Rigby, Tommy Donnelly and Doc Quigley as the fun producers; Arthur Yule, Reese Prosser, Charles Quaintance, Jean Elliott, Fred Jordan, Paul Lalonde, A. Fred Aikens, Addison Waltz and a large chorus in vocal selections that will charm the ear. Pascatel, the man of a hundred forms, Mr. Field's latest European importation; Berry and Hughes, musical artists; a tribe of mamaluke acrobats and a dozen other features all equally as meritorious; Bob Keyes, the nondescript athlete jumper, vaulter, comedian and high kicker, in his latest creation, the "Open Door." The oriental spectacle, the "Feet at Mecca," makes a closing feature that other minstrel managers have overlooked in late years. This big oriental spectacle will hold the people until the fall of the curtain. It is in this scene where the mamalukes make their appearance and to introduce their peculiar performance.

"McFADDEN'S FLATS."
A pleasant feature which is promised by the management of Gus Hill's new "McFadden's Row of Flats" this season is the Frederick Brothers, musical experts. They are one of the many special features in the long roster of up-to-date vaudeville acts promised with this company. It is also stated that the piece has been changed throughout and improved by the introduction of new and brilliant ensembles such as "The Dewey Girls," which is said to be a delightful conception that admits of catchy music and handsome costumes, a big chorus and other bright review ideas. McFadden's Row of Flats will be seen at the Academy of Music next Monday, matinee and night.

BRAMBLETON.

Spurgeon Memorial Baptist Church will hold a session at the close of the regular services Sunday for the purpose of calling a pastor.

An effort was made by a robber some time during Wednesday night to effect an entrance into the residence adjoining Mr. Geo. H. Bain, on South Kelly avenue, but he was frightened off by the lady of the house, who fired two shots at him. This is the second attempt made recently to break into this residence. The police officer on this beat at night will confer a favor upon the residents if he will visit this locality more frequently in future.

Little Willie Russell, the 3-year-old son of Mr. and Mrs. C. A. Russell, of Ferguson avenue, who has been very sick since Sunday last, was reported better yesterday.

The asphalt pavement on Brambleton avenue has been laid from the eastern end of the street as far as Marshall avenue. The concrete base has been put down as far as the track of the Norfolk and Western terminal track.

On account of the "Ocean View" being brought to Norfolk for annual inspection, the steamer "Granite City" will be on the run Thursday and Friday, August 30th and 31st, and will only make trips connecting with our 12 noon, 2, 4, 6, 8 and 10 p. m. trains out of Norfolk.

THE NORFOLK RAILWAY & LIGHT COMPANY,
au29-31 Norfolk & Ocean View R'y.

IN THE COURTS.

Report From Special Commissioner Johnson Confirmed.

Suit for Divorce Entered, and Co-Respondent Named—Federal Government After Thieves—Special Master H. G. Miller Winds up Report in Abattoir Case.

R. M. Johnson, who was appointed special commissioner by Judge Hanckel, to ascertain the proper party to receive the award of the commission which was recently appointed to appraise damages to certain De Bree avenue property because of the building of a viaduct for the Sewell's Point Electric Line, reported yesterday that A. B. Seldner should receive the money which was paid into the Court of Law and Chancery several days ago. Judge Hanckel entered a decree confirming the report.

Mr. Seldner has not yet decided whether he will take the case to the Court of Appeals or not.

SUIT ENTERED.
Markham & Olive, through R. M. Johnson, as counsel, entered suit in Court of Law and Chancery yesterday against the Tidewater Lumber Company for the recovery of \$227.29.

SUES FOR A DIVORCE.
Through K. Meade Osborne, as counsel, Richard F. Machen entered suit for divorce against his wife, Adelle V. Machen, in the Court of Law and Chancery. Mrs. Machen was formerly Miss Lanier, of Petersburg. The couple were married February 7, 1884. Edward G. Russell is named as co-respondent in the suit.

GOVERNMENT AFTER THIEVES.
Peter Showard, of Portsmouth, was carried before United States Commissioner George E. Bowden yesterday on the charge of stealing a ton of government pig lead, which was sunken in the Elizabeth river several nights ago. Showard is a boatman and owned the small boat in which the lead was being brought away from the navy yard. After it was sunk he was seen assisting a diver in raising it from the bottom of the Elizabeth river. Part of the lead, it is said, was found covered in a boat under Showard's boat shed, in Gosport.

Later Showard was bailed in the sum of \$300, with John W. Woodman, of Portsmouth, as surety.

It is thought that Showard may be held only as a witness against the real thieves. One of these is thought to be a sailor on the government tug Neizinscott, which assisted in towing the Spanish trophy ship Reina Mercedes from Norfolk to the Portsmouth, New Hampshire, navy yard.

A telegram has been sent to the commandant at these yards asking him to arrest the alleged thief, Peter Ricks, a colored sailor at the Norfolk navy yards, was sent on yesterday afternoon as one of the principals.

NEWPORT NEWS ABATTOIR CASE.
Hugh G. Miller, special master, appointed by Judge Waddill, of the United States Court, to adjudicate the case of Smelt Bros. et als. vs. the Newport News Abattoir Company, held his last sitting yesterday, and wound up his report in the case. All interests were represented. There were present: W. Woodward, of Newport News, receiver for the company; T. B. Jones, counsel for the receiver; T. B. Henley, of Newport News, attorney in fact for the stockholders, and former Governor Charles T. O'Ferrall, of Richmond, counsel for the company. Mr. Miller's report pleased all parties concerned, and there will be no exceptions. One of the most important points to decide was whether the purchasers of stock from President Palmer, of Camden, N. J., were innocent purchasers or not. Mr. Palmer was charged with fraudulently obtaining the stock. Mr. Miller decided the purchasers of this stock were innocent.

PROPERTY TRANSFERS.
R. H. Baker, Jr., trustee, to the Citizens' Bank, of Norfolk, the Charlotte street property described in the succeeding paragraph, together with six lots in Tanner's Creek District of Norfolk county, and designated on the plat of the Norfolk Water Front Development Company; \$6,100.
Citizens Bank, of Norfolk, to J. L. and Charles N. Whitehurst, lot with improvements fronting 26 feet on the south side of Charlotte street, 128 feet 6 inches west of Granby street; \$6,350.
The Southern Engraving Company, of Petersburg, to L. A. Blumie and T. M. Barna, Jr., of Norfolk, the business and fixtures of the said company; \$2,450.

THE POLICE COURT.
Police Justice Taylor yesterday committed Sam Gorum, colored, to jail until September 5th to give the detectives time to locate a bicycle which it is alleged Gorum stole. Gorum was arrested by Detectives Childress and Snowden.

Mary Jones, colored, who possesses many other names, was sent to jail until the 4th of next month to await further developments in the case against her. She is charged with embezzling \$46.50 worth of furniture purchased from a Church street firm on the installment plan.

Eugene Brinkley, colored, drunkenness, assault and profanity; fined \$5.
Sidney Brinkley, colored, driving a galloped horse; fined \$5.50.
Washington Nash, colored, sick nuisance; ten days in the jail hospital.

Susie Jones, colored, public nuisance; fined \$3.50.
Mary White, colored, drunkenness, breach of the peace and profanity; fined \$11.50.
Mattie Barrett, abusing Irene Senfts; fined \$6.

Mrs. Lenna Felt, 80 Washington street, assaulting and threatening to kill the daughter of Mrs. Fanny Nelson, 99 Brewer street; fined \$6.

BRIEF ITEMS OF INTEREST.

Mr. Harvey Daughtry was able to be out yesterday after a week's illness. The many friends of Mr. Peter Eppes will be pleased to learn that he is able to be out again after his recent accident.

E. Cook Gilliam, buyer of notions and ribbons for Miller, Rhoads & Co., is spending his vacation with his parents at Toga, Va.

Cannot Fulfill Its Contracts.

Several suits have been entered against the Hudspeth Transatlantic Line by shippers on account of the inability of that company to fulfill its shipping contract. A high market and low freight rates are assigned as the causes of the company's embarrassment.

Did Not Attend the Conference.

Rev. J. E. Shenk, owing to the illness of one of his parishioners, did not leave the city on last Monday, as he had anticipated, but will be present to conduct both services Sunday. His family returned yesterday from a stay of some weeks at Waynesboro, Va.

REPAIRING EXPERTLY AND PROMPTLY DONE.

BUY YOUR TRUNKS, BAGS AND SUIT CASES

DIRECT FROM MANUFACTURER AND SAVE MIDDLE-MANS' PROFIT.

Read our list of Specials for this week —our prices can't be duplicated elsewhere.

\$2.98 For Real Leather Dress Suit Cases, steel frames, best brass lock and catches—lined—\$5.00 value.

98c For Men's Suit Cases—made of dark strong material—muslin lined—brass locks and catches—would be very cheap at \$1.50.

35c For Telescopes Canvas-covered—with leather tips and two leather straps—14-inch size—larger sizes up to \$1.50.

\$5.00 For a Fine Automatic Tray Trunk, best grade canvas covered—best locks and catches—iron binding—and sole leather straps all around—worth double.

\$2.48 —For deep cut Club Bags—real leather and full leather-lined—brass locks and catches—formerly sold for \$4.00.

98c For 16-inch Ladies' Club Bags—real leather—improved sliding locks and brass catches—the usual \$2.00 kind.

\$2.39 For Canvas Covered Trunks, for men, women or children, our own make—just out of the factory. They're worth \$3.00.

16c For Leather Shawl Straps—full length—strong buckles—sell at other stores for 25c.

\$3.89 —For a Handsome Real Leather Dress Suit Case—lined—sole leather straps inside—improved locks and catches—sold for \$6.00.

STEIGER'S TRUNK FACTORY.

Manufacturers of Trunks, Bags and Leather Goods.

249 MAIN STREET. - - - PHONE, 1414.

Great Sale of Trunks & Bags!

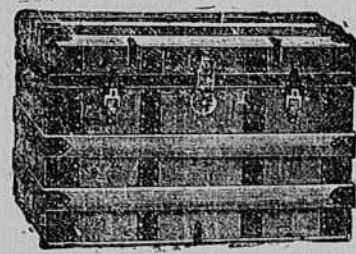
SPECIAL SCHOOL TRUNKS FOR BOYS & GIRLS!

NORFOLK TRUNK FACTORY,

172 CHURCH STREET. Near Main.

\$5.00

For a Square Top Canvas Trunk, lined throughout, heavy steel bumpers, 3 steel strap hinges, brass excellent lock, 2 trays, iron bottom.



\$3.75

For a Square Top Canvas Trunk, heavy brass corners and clamps, hard wood slats, steel strap hinges, excellent brass lock, iron bottom, 2 straps on trunk.

A Big Assortment of Roller Tray Trunks & Automatic Tray Trunks

\$2.00

For a Genuine Russia leather Club Bag, all lined throughout, frame, brass lock and catches.

\$5.00

Genuine Sole Leather Suit Case, real Irish linen lined throughout, steel frame with bolts and straps. We know there isn't as good a \$5.00 Suit Case as ours made.

OUR GUARANTEE! All Trunks Guaranteed and kept in repair free of charge.

Old Trunks Repaired and Made as Good as New.

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PARAGON RIBBONS AND PAPERS.

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W. L. CRUMP, Resident Salesman. Jy 25-2m

25-27 GRANBY ST.

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Standard makes, Shirts with a reputation and a tale—could be told about the way they are made—no short shirt waists—but Shirt for men.

GREAT VALUES ARE OFFERED AT

\$1.15, 75c and 50c

MEN'S FANCY HOSIERY

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PER PAIR.

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Regal Chester Suspenders.

For hot weather

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Hatch & Dean,

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To close our entire stock of Light-Weight Clothing we make the following prices:

Suits that were \$20 now \$10

Suits that were \$18 now \$9

Suits that were \$16 now \$8

Suits that were \$14 now \$7

Suits that were \$12 now \$6

Suits that were \$10 now \$5

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Railroad, Steamboat and Mill Supplies.

Agents for this section for the sale of Graton & Knight's Leather Belting, New York Belting and Packing Company's Rubber Goods, Knowlton's Patent Packing, Snow Steam Pumps. my7-cody